Approved Meeting Minutes

January 11, 2018

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on January 11, 2018, in Room 220 of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd; St. Paul, MN 55155. Present were Commission Chair Justice (Ret.) Christopher Dietzen, and Commission members Cathryn Middlebrook, Peter Orput, and Commissioner of Corrections Tom Roy. Participating telephonically by conference call were Angela Champagne-From, Valerie Estrada, Yamy Vang, and Judge Mark Wernick, the notice required by Minn. Stat. § 13D.015, subd. 5, having been posted on the MSGC website on December 19, 2017.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Nicole Jasperson, Jill Payne and Anne Wall.

Members of the public present were Rachel English and P.T. Magee, Jewish Community Action; Lisa Netzer, Minn. Department of Corrections; and Kevin Featherly, Minnesota Lawyer. No members of the public participated telephonically.

1. Call to Order

Chair Dietzen called the meeting to order at 1:30 p.m.

Chair Dietzen called on Executive Director Reitz to call roll because there were members participating by phone.

Present were Commission Chair Justice (Ret.) Christopher Dietzen (in person), and Commission members Angela Champagne-From (by phone), Valerie Estrada (by phone), Peter Orput (in person), Commissioner of Corrections Tom Roy (in person), Yamy Vang (by phone), and Judge Mark Wernick (by phone). Absent were Judge Caroline Lennon, Cathryn Middlebrook, Sergeant Salim Omari, and Vice-Chair Judge Heidi Schellhas.

Executive Director Reitz said that Saint Paul Police Sgt. Omari was the newly appointed peace officer representative effective January 10, 2018. Executive Director Reitz said that, due to prior commitments, Sgt. Omari was unable to attend today’s meeting, but that he planned to attend the next scheduled meeting.

2. Approval of Agenda

This was on the agenda as an action item.
Motion by Commissioner Roy and second by Mr. Orput to approve the meeting agenda.

Motion carried on a 6–0 roll-call vote.

Voting “Yes” were Ms. Champagne-From, Ms. Estrada, Mr. Orput, Commissioner Roy, Ms. Vang, and Judge Wernick.

At this time, Cathryn Middlebrook joined the meeting in person.

3. Approval of Meeting Minutes

This was on the agenda as an action item.

Motion by Commissioner Roy and second by Mr. Orput to approve the meeting minutes from December 14, 2017.

Motion carried on a 6–0 roll-call.

Voting “Yes” were Ms. Champagne-From, Ms. Estrada, Ms. Middlebrook, Mr. Orput, Commissioner Roy, and Ms. Vang.

Abstaining from the vote was Judge Wernick.

4. Approval of Draft Report to the Legislature

This was on the agenda as an action item.

a. Impact of the 2016 Drug Sentencing Reform Act (DSRA)

Chair Dietzen called on Executive Director Reitz who presented an updated draft of the DSRA section of the report which was included in the 2018 Report to the Legislature dated January 11, 2018. Executive Director Reitz went through revisions made by staff based on the Commission’s feedback at its meeting on December 14, 2017.

Commission members made additional suggestions intended to clarify the information in the DSRA section of the report.

b. Review of Other Updates to Draft

Chair Dietzen called on Executive Director Reitz who continued his presentation explaining the updated draft of the 2018 Report to the Legislature dated January 11, 2018. Executive Director Reitz went through revisions made by staff based on updated information including the newly
appointed peace officer member, Sgt. Omari, and imprisonment-rate information published by the Bureau of Justice Statistics on January 10, 2018.

**Motion** by Commissioner Roy and second by Ms. Middlebrook to approve the 2018 *Report to the Legislature* dated January 12, 2018, including the DSRA section with the following amendments: 1) insert the word “see” before “p.” for page numbers on pages 3-5 and pages 6-7; 2) amend Figure 3 to a stacked area graph; and 3) change header on page 18 to “Post-DSRA, Expected Prison-Bed Savings Not Realized (Preliminary).”

The Commission discussed how the amendments would make the information clearer to the reader and better display the information in Figure 3.

**Motion carried** on a 7–0 roll-call vote.

Voting “Yes” were Ms. Champagne-From, Ms. Estrada, Ms. Middlebrook, Mr. Orput, Commissioner Roy, Ms. Vang, and Judge Wernick.

5. **Criminal History – Potential Areas of Reform**

This was on the agenda as a discussion item.

Chair Dietzen said that he wished to introduce the item today to see if there was consensus from members on areas of criminal history in need of reform. Chair Dietzen introduced two areas that may be in need of reform based on whether there was consensus from members: the Custody Status Point and the period in which prior convictions decay.

The Commission discussed the possible process for exploring these criminal history reform areas. Polling members on areas of potential reform was suggested and asking staff to draft informational papers that would summarize the policy and possible reform was suggested. A member suggested that this would be a comprehensive, efficient and effective approach especially for newer members. A member wished to speak to constituency before making any suggestions.

6. **2018 Commission Meeting Calendar**

This was on the agenda as a possible action item.

Chair Dietzen called on Executive Director Reitz who presented the 2018 *MN Sentencing Guidelines Commission Tentative Meeting Calendar*. The calendar noted that generally the meetings take place the second Thursday from September to May, the first Thursday after the first Tuesday in June, the third (public hearing) and fourth Thursday in July, and no meeting in August.

Chair Dietzen explained that he and Executive Director Reitz would be absent from the tentative meeting February 8, 2018, due to schedule conflicts. He asked the members if they wished to hold the meeting and the consensus was to cancel the meeting.
Motion by Commissioner Roy and second by Mr. Orput to adopt the 2018 MN Sentencing Guidelines Commission Tentative Meeting Calendar, and cancel the meeting on February 8, 2018.

Motion carried on a 7–0 roll-call vote.

Voting “Yes” were Ms. Champagne-From, Ms. Estrada, Ms. Middlebrook, Mr. Orput, Commissioner Roy, Ms. Vang, and Judge Wernick.

At this time, Judge Wernick was excused from participation in the remainder of the meeting.

7. Executive Director’s Report

This was on the agenda as an information item.

Chair Dietzen called on Executive Director Reitz who reported on the following items: 1) If meeting telephonically is desired by a member at a future meeting, please give staff at least 2 weeks’ notice in order to give proper public notice; 2) the Minnesota State Bar Association’s (MSBA) Commission on Juvenile Sentencing for Heinous Crimes released its report which took no position but gave alternative recommendations; and 3) in the absence of a Chair of the House Public Safety & Security Policy & Finance Committee, the 2018 Report to the Legislature will be addressed to Vice-Chair Brian Johnson.

8. Public Input

Chair Dietzen called on members of the public present and asked if anyone wished to speak. No one came forward.

9. Adjournment

Motion by Mr. Orput and second by Commissioner Roy to adjourn.

Motion carried without objection.

The meeting was adjourned at 2:39 p.m.